

CHARTER REVISION COMMISSION

The Charter Revision Commission met at the Wethersfield Town Manager's Conference Room on Thursday, June 12, 2014 at 6:30 pm.

Present: Chairperson Dan Silver, Vice Chairperson Steve Kirsche, T. William Knapp, Louis Laccavole, Mary Pelletier, John McAuliffe, Jr. and Mike Zaleski (Commissioner Pelletier left early at 8:15 pm)

Also Present: Commission Secretary Sónia Betz, Town Manager Jeff Bridges and Attorney Jonathan Chappell, Town Attorney

The meeting was called to order by Chairperson Silver at 6:30 pm.

Chairperson Silver asked if anyone had any comments on or revisions to the minutes from the last (May 29th) meeting.

- **Commissioner Knapp moved to amend the minutes of the May 29, 2014 meeting to remove the phrase "no action taken" from the 3rd and 6th motions, seconded by Vice Chairperson Kirsche. All Commissioners present voted "AYE" unanimously. Motion passed. 7-0-0**
- **Commissioner Knapp moved to accept the minutes as amended, seconded by Commissioner McAuliffe. All Commissioners present voted "AYE" unanimously. Motion passed. 7-0-0**

Public Comment

- Robert Young, 20 Coppermill Rd:
 - Mr. Young presented his comments on indexing; he believes that the proposed percentages are on track. He reiterated that his belief that the Finance Director should also report to the Town Council. He thinks that ethics does not exist in the Town of Wethersfield because relatives of Council and Board of Education members are employed by the Town.
- Paul Copp, 100 Executive Square
 - Mr. Copp stated that the Town Clerk should continue to report to the Town Council and the Town Council should make more of an effort to effectively supervise her. As far as ethics, he foresees someone going to jail and if they do he questioned whether they would continue to receive their pension and be allowed to return to their position. He believes ethics needs to be defined and given "teeth."

Agenda Items

A) Schedule of Continuing Meetings

- Commissioner Silver brought up the reason for the discussion was to attempt to get the Charter amendment on the ballot for November's election.
- Atty. Chappell stated that it would be very tight to get the amendment on for November due to the amount of time that all the requirements take to accomplish.
- Chairperson Silver stated that Mayor Montinieri expected it to be on the November 2015 ballot. Discussion followed.
- **Commissioner Laccavole moved to meet on June 26th and July 10th then adjourn until September 4th; meeting every other Thursday thereafter until their task is**

complete, seconded by Vice Chairperson Kirsche. All Commissioners present voted "AYE" unanimously. The motion passed. 7-0-0

B) Indexing the Cap on Special Appropriations Rather than Setting Specific Dollar Amounts

- The Commissioners discussed the proposed changes that were sent out by Atty. Chappell, with Commissioner Laccavole questioning the significance of the appearance of the term "lowest, qualified and responsible bidder," as it was not consistent throughout the document.
- **Vice Chairperson Kirsche moved that sections 310, 311, 713, 714 and 703 be amended per the indexing cap wording as presented by Atty. Chappell, seconded by Commissioner Knapp. All Commissioners present voted "AYE." The motion passed. 7-0-0** (see attached)

C) Discussion on Oversight of the Office of the Town Clerk

- Chairperson Silver addressed the proposed language for Section 501 from Atty. Chappell and how it kept the Town Clerk as reporting to the Town Council, but cleaned up some of the wording that the Commission had concerns about (see attached).
- **Commissioner Zaleski moved to adopt Section 501 as amended by Atty. Chappell's proposed language," seconded by Commissioner Knapp. All Commissioners present voted "AYE." Motion passed. 7-0-0**
- The Commissioners discussed Section 404 and how they had decided at the last meeting to leave it as it was.

D) Ethics

- The Commissioners discussed Atty. Chappell's proposed language (see attached). Proposal 1 addresses Conflict of Interest for elected and appointed officers, whereas Proposal 2 speaks of the Board of Ethics and establishes it as a permanent board.
 - Key points of discussion were concern of how the provisions would affect any collective bargaining agreements, changing "Town Council" to "Appointing Authority" so as to include the Board of Education, defining the term "appointed" so as not to include Town employees, whether censure is a strong enough penalty and what may constitute a conflict of interest.
 - Decision was made to have Atty. Chappell wordsmith the two proposals to clarify the language.

E) Chapters 2, 3 & 4

- Chapter 2 deals with elections. Commissioner Laccavole questioned the term "qualified" in reference to electors as it is used inconsistently throughout the document.
- **Commissioner Laccavole moved to eliminate the term "qualified" in reference to electors throughout the Charter document, seconded by Vice Chairperson Kirsche.**
- Atty. Chappell would like to review the document to ensure that "qualified" does not have some kind of significance.
- **Commissioner Knapp moved to table the discussion on the term "qualified" pending review by Atty. Chappell, seconded by Commissioner McAuliffe. All Commissioners present voted "AYE." Motion passed. 7-0-0**
- Chapter 3 deals with the Town Council. Chairperson Silver addressed Section 309 (Referendum on Ordinances and Resolutions). Vice Chairperson Kirsche and

Commissioner Knapp are very concerned that the provision takes too much power away from the voters. Wilkus Farm was used as the primary example.

- Chairperson Silver requested that the topic be postponed until the July 10th meeting as he will not be present at the June 26th meeting.
- Vice Chairperson Kirsche wants all real property transfers to be subject to resolution/referendum because as it currently stands these transactions can be made by motion.

The next meeting will be held on Thursday, June 26, 2014 at 7:00 pm. This meeting will be chaired by Vice Chairperson Kirsche as Chairperson Silver will be unable to attend.

Commissioner Knapp moved for adjournment at 8:29 pm. Commissioner Zaleski seconded. All those present voted AYE unanimously. 6-0-0

Respectfully Submitted,

Sónia Betz, Secretary

Indexing/cap

§ 310. Emergency Ordinances.

An emergency ordinance shall be only for the immediate preservation of the public peace, health and safety, shall contain an explicit statement of the nature of the emergency and shall be adopted by not less than six (6) affirmative votes in the Council, and in no event, shall the annual budget or any appropriation, except as hereinafter provided, constitute an emergency ordinance. For the purpose of meeting an emergency, as herein defined, or to prevent the breakdown of any essential service rendered by a department, board, commission or agency of the town, the Council, by an affirmative vote of not less than six (6) of its members, may appropriate, notwithstanding any other provision of this Charter, a sum not to exceed 0.15% of the appropriated expenditures for the current fiscal year one hundred thousand dollars (\$100,000). No more than two emergency ordinances may be adopted during a single fiscal year.

§ 311. Obligatory referendum on bond issues and special appropriations in excess of two hundred thousand dollars.

No resolution authorizing the issuance of bonds or making a special appropriation in excess of 0.30% of the appropriated expenditures for the current fiscal year two hundred thousand dollars (\$200,000) shall become effective until the same has been approved by a majority of the qualified electors voting thereon at a regular election or a special election or referendum called by the Council for the purpose. To the extent any appropriation is to be funded from the proceeds of grants, gifts, insurance or other off-setting reimbursements, the amount of the appropriation to be funded from such sources may be approved by the Council in the manner provided in Section 711 of the Charter and such amount shall not be included in determining whether the approval of a majority of qualified electors is required by this section. No more than two bond issuances or special appropriations may be authorized pursuant to this section during a single fiscal year.

§713. Purchasing Procedure.

Purchases shall be made under such rules and regulations as may be established, by ordinance, provided that if any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity or service over a period of time, involves the expenditure of 0.03% of the appropriated expenditures for the current fiscal year twenty thousand dollars (\$20,000) or more, the Purchasing Agent shall invite sealed bids or proposals, giving at least ten (10) days' public notice thereof, by at least one (1) publication in a newspaper which has a general circulation in the town, and the Council shall let the purchase or contract to the lowest qualified and responsible bidder

thereon or shall reject all such bids and proposals. All such sealed bids or proposals shall be opened publicly.

It shall not be necessary to call for sealed bids for the following supplies, materials, equipment, goods, services, commodities or construction:

(a) That furnished by a monopoly utility.

(b) That providing a creative product or requiring special skill and knowledge or a profession such as the following services: legal, accounting, auditing, medical, architectural, engineering, design, systems analysis, computer programming, planning, technical advice and management assistance. This section shall not apply to the Town Attorney who shall be retained in accordance with Section 503 of this Charter.

The Council shall by Ordinance establish rules, which shall apply to all town contracts for creative products or professional services. Said ordinance shall include procedures and criteria for selecting the most suitable sources for supplying such services.

(c) That having a single source of supply.

(d) That needed to cope with an emergency situation reported as such to the Council or declared as such by a competent authority.

Awards for items in (b) and (c) above shall be made by the Council if the amount of the contract exceeds the sum of 0.03% of the appropriated expenditures for the current fiscal year.

No transaction essentially a unit shall be divided for the purpose of evading the provisions of this section. Records of all bids, formal and informal, and of the successful bidder shall be kept in the office of the Purchasing Agent, where they shall be open to public inspection.

§714. Contracts for Public Works.

Contracts for the construction of streets, sewers, buildings and other public works shall be made under such rules and regulations as may be established, by ordinance, provided that if any such contract involves the expenditure of 0.03% of the appropriated expenditures for the current fiscal year ~~twenty thousand dollars (\$20,000)~~ or more, the Purchasing Agent shall invite sealed bids or proposals, giving at least ten (10) days' public notice thereof by at least one (1) publication in a newspaper which has a general circulation in the town, and the Council shall let the purchase or contract to the lowest qualified and responsible bidder thereon or shall reject all such bids and proposals. All such sealed bids or proposals shall be opened publicly. No transaction essentially a unit shall be

divided for the purpose of evading the provision of this section. Records of all bids shall be open to public inspection.

§ 703. Annual Town Budget.

It shall be the duty of the Manager to present to the Council, not later than the first Monday in April in each year, the budget for the ensuing fiscal year. The budget shall contain:

(a) An estimate of the probable cash deficit or unencumbered cash surplus, as the case may be, at the end of the current fiscal year;

(b) Estimates of the revenue cash receipts of the ensuing year; other than from property taxes;

(c) Estimates of expenditures for the ensuing fiscal year; and

(d) An estimate of the sum necessary to be raised by taxation to balance the budget, taking into consideration the surplus or deficit for the current fiscal year, as provided in (a) above, and

(e) the limitations or thresholds pursuant to sections 310, 311, 713, and 714.

The estimates of receipts shall be detailed by sources and the estimates of expenditures by departments and the principal subdivisions thereof, offices, boards, commissions and agencies of the town, and shall show, for each such unit, the estimated expenditures, broken down by personal service, contractual service, materials and supplies, fixed charges and capital outlays. The budget shall also contain the receipts and expenditures for each item for the last completed fiscal year; the estimated receipts and expenditures for the current fiscal year; the estimated receipts and expenditures for the ensuing fiscal year, together with such other data as the Council may prescribe. Copies of the budget shall be available for public inspection at the office of the Town Manager, Town Clerk and Town Library. The budget shall be printed or otherwise reproduced in a sufficient number of copies to furnish one (1) to each citizen who shall request the same.

Town Clerk

§ 501:

In addition to the powers and duties prescribed for Town Clerks by the General Statutes, the Clerk shall be responsible to and be the Clerk of the Council, keep a journal of its proceedings, which shall be a public record and perform such other duties as may be assigned by the Charter or by action of the Council. The Clerk shall be an officer of the Town appointed by the Council, who shall serve until removed from office pursuant to this Charter, resigns or is otherwise unable to perform his or her duties for an indefinite term. The Clerk shall have and appoint such deputies, clerks and other assistants as the Council may determine, and as provided in the General Statutes. When a vacancy occurs in the position, it shall be filled by the Town Council after being posted requiring certification or prior experience and knowledge of accepted administrative practices related to the duties of the position.

§ 404:

The Manager shall supervise and control all departments and agencies of the town, except the Board of Education, the Library Board, elected officials and their appointees, and those appointed by the Governor, the General Assembly or by the Council; provided the Manager shall also supervise the Town Clerk. The Manager shall appoint and may remove, subject to the provisions of Chapter VIII of this Charter, all officers and employees of the departments and agencies of the town and shall have the power to transfer and reassign offices, functions and responsibilities among the various departments, officers and agencies under the Manager's jurisdiction, in the interests of orderly and efficient administration, except as otherwise provided in this Charter and subject to the approval of the Council.